



APPLICATION ACCEPTED: November 15, 2012
BOARD OF ZONING APPEALS: February 13, 2013
TIME: 9:00 a.m.

County of Fairfax, Virginia

February 6, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-SU-080

SULLY DISTRICT

APPLICANT: Kreative Minds, LLC, T/A Kid Junction

ZONING: I-3 and I-4, HC, AN, WS

LOCATION: 4090 Lafayette Center Drive, Chantilly, 20151

ZONING ORDINANCE PROVISION: 5-303

TAX MAP: 33-2 ((04)) 1A

LOT SIZE: 5.11 acres of land

PLAN MAP: Mixed Use

SP PROPOSAL: Group 5 – special permit to permit a commercial recreation use within an existing building.

STAFF RECOMMENDATION: Staff recommends approval of SP 2012-SU-080 subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\rhomer\Special Permits\kreative minds Commercial Rec\Kreative Minds staff report.doc

Rebecca Homer

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

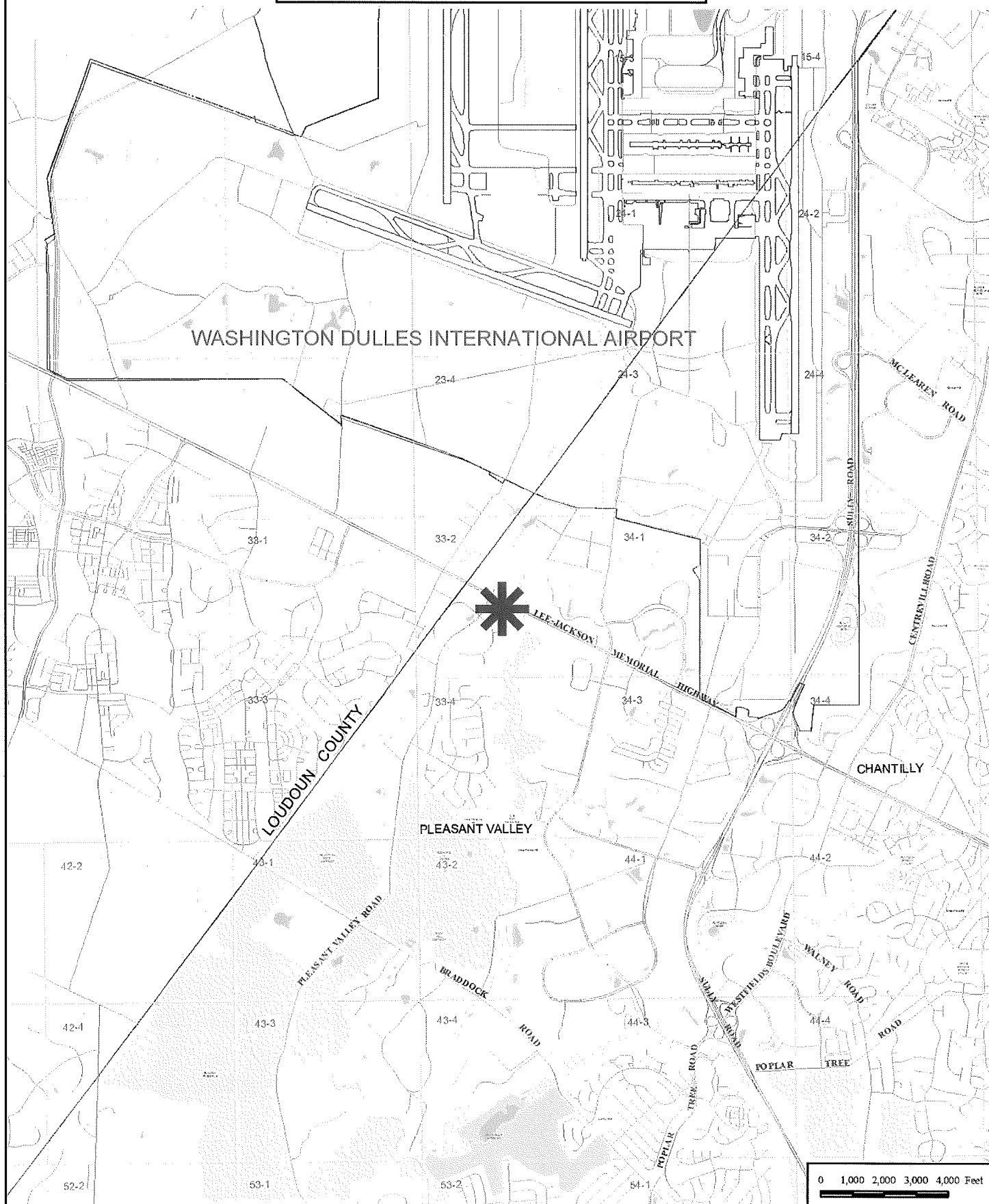


Americans with Disabilities Act (ADA); Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2012-SU-080

KREATIVE MINDS, LLC T/A KID JUNCTION



Special Permit

SP 2012-SU-080
KREATIVE MINDS, LLC T/A KID JUNCTION

Pleasant Valley Rd.

Lee Jackson Memorial Hwy Rt. 50

Lafayette Center Dr.

DUNES SOUTH COURT CONDOMINIUM

LAJAY PARK CONDOMINIUM

LAJAY POINT

78-S-087

77-S-008

0 100 200 300 400 500 Feet

REFERENCE TO THIS SPECIAL PERMIT ATTACHED.

3. ALL EXISTING STORMWATER, UTILITIES, AND UTILITY EASEMENTS ARE INDICATED ON THIS PLAN. EXISTING EASEMENTS FOR HIGHWAYS & R.R.'S ARE DETAIL 2-14-01 ATTACHED FOR REFERENCE TO THIS SPECIAL PERMIT ATTACHED.

4. PROPERTY IS SERVED BY PUBLIC WATER & SEWER SYSTEMS. ALL FACILITIES ARE ADEQUATE FOR THE PROPOSED USE.

5. REF TO ATTACHED SITE AS-BUILT DRAWINGS FOR FIELD TOWN TOPOGRAPHIC INFORMATION.

6. THERE IS NO KNOWN GRAVE OR BURIAL SITES ON THE PROPERTY.

7. ALL ITEMS ARE EXISTING (EX) UNLESS OTHERWISE INDICATED.

GRAPHIC SCALE

0 10' 20' 30'

1" = 30.0'

336.14'

8. SLOPE AND FLOOD HAZARD LIMIT

9. SLOPE AND FLOOD HAZARD LIMIT

10. SLOPE AND FLOOD HAZARD LIMIT

SPECIAL PERMIT PLAT NOTES:

1. THIS SPECIAL PERMIT IS TO ALLOW A COMMERCIAL RECREATION USE AT 4000 LAFAYETTE CENTER DRIVE

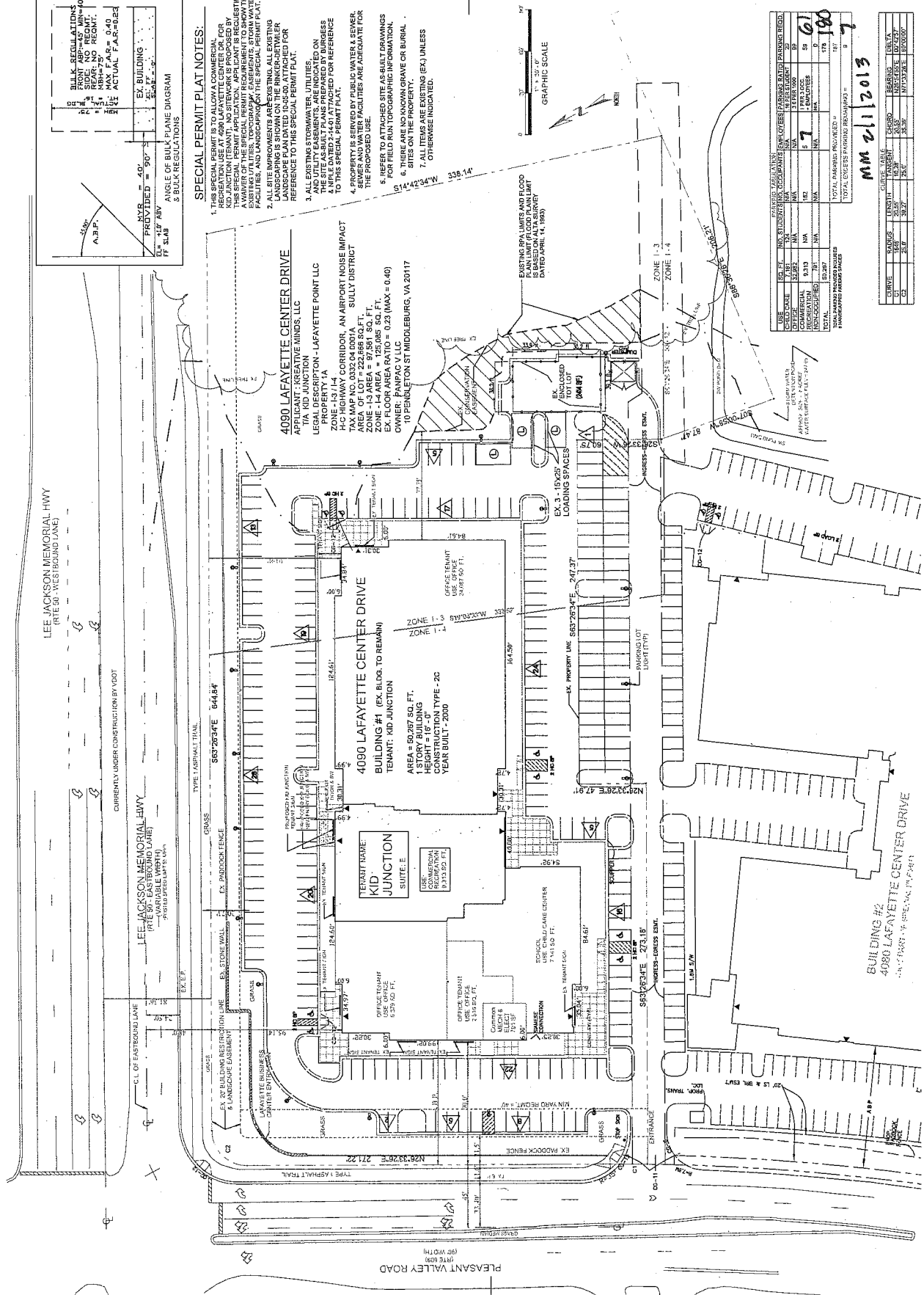
[illegible]

4090 LAFAYETTE CENTER DRIVE
APPLICANT: KREATIVE WINDS, LLC
TIA: KID JUNCTION - LAFAYETTE POINT LLC
PROPERTY 1A
LEGAL DESCRIPTION - LAFAYETTE POINT LLC
H-2 HIGHWAY CORRIDOR, AN AIRPORT NOISE IMPACT
SULLY DISTRICT
TAX MAP NO. 0332.04 C091A
AREA OF LOT = 222,866 SQ. FT.
LOT AREA = 125,085 SQ. FT.
ZONE - FLOOR AREA = 125,085 SQ. FT.
EX. FLOOR AREA RATIO = 0.23 (MAX = 0.40)
OWNER: PANCAP V, LLC
10 PENDELTON ST. MIDDLEBURG, VA 20117

COUNTY OF ALABAMA									
USE	COL 1	COL 2	COL 3	COL 4	COL 5	COL 6	COL 7	COL 8	COL 9
CHILD CARE	7	101	NA	NA	NA	NA	NA	NA	NA
EDUCATION	2	101	NA	NA	NA	NA	NA	NA	NA
GOVERNMENT	3	101	NA	NA	NA	NA	NA	NA	NA
INDUSTRY	4	101	NA	NA	NA	NA	NA	NA	NA
NON-AGRICULTURE	5	101	NA	NA	NA	NA	NA	NA	NA
TOTAL	20,267								
TOTAL PARKING SPACES									167
TOTAL PARKING SPACES REQUIRED									167
TOTAL PARKING SPACES AVAILABLE									9

MM 21/2013

CURVE	RADIUS	LENGTH	TARGET	CHORD	BEARING	DELTA
C1	1248	20.55	10.20	20.35	120°14'55.1"	60°172°0"
C2	26.0	30.27	25.0	35.36	N71°33'26.1"	10°00'00"



Architect
Construction Management
4941 Pacific Blvd. Suite 200
Denver, CO 80202
(303) 733-1299
(303) 734-2008 M-F 9-5

KID JUNCTION FLOOR PLAN
9-30-2012
11:41:47

4090 Lafayette Center Drive
Southeast Corner Elevation 1



4090 Lafayette Center Drive
Southwest Corner Elevation

RECEIVED
Department of Planning & Zoning

OCT 02 2012

Zoning Evaluation Division



4090 Lafayette Center Drive
South Elevation 2



4090 Lafayette Center Drive
West Elevation 1

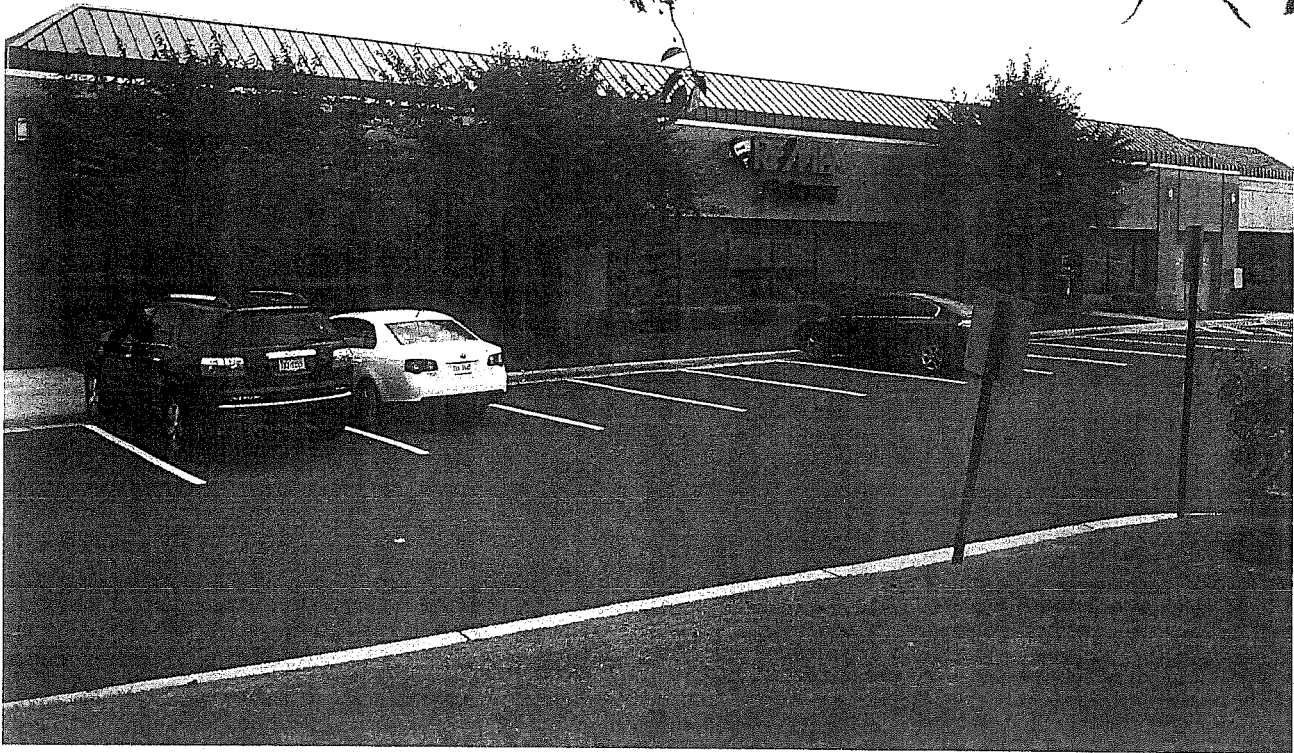
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Department of Planning & Zoning

OCT 02 2012

Zoning Evaluation Division



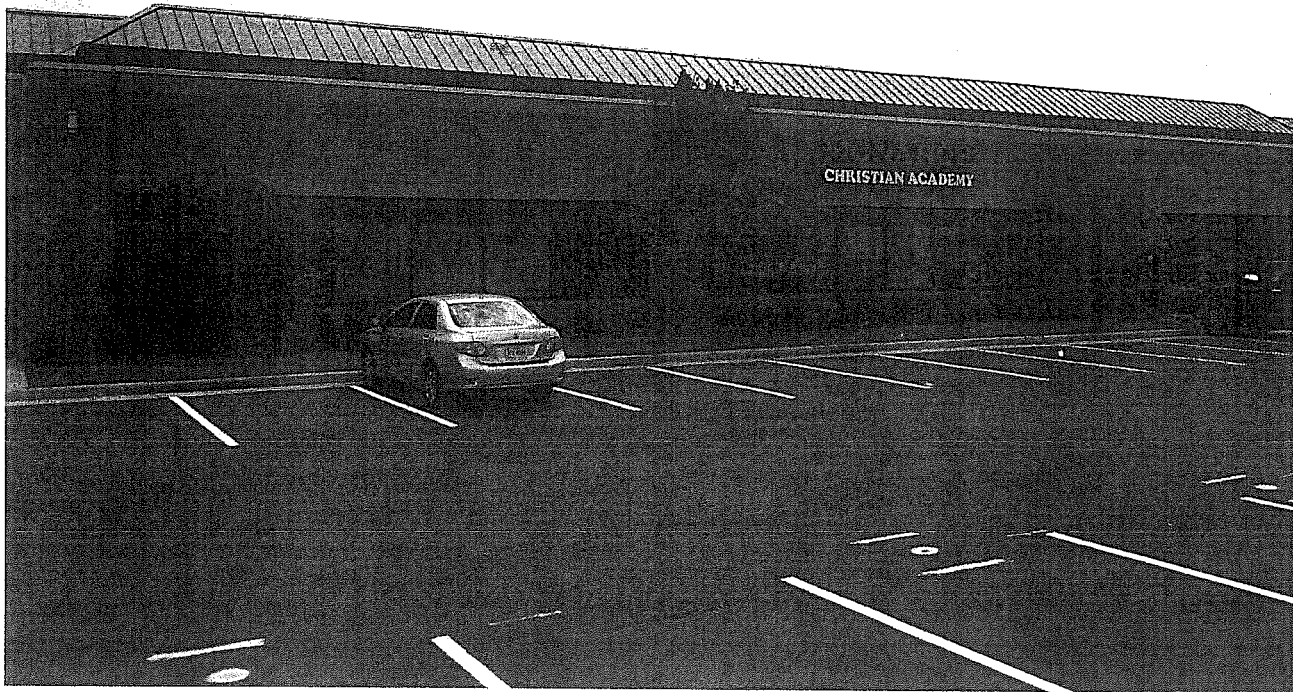
4090 Lafayette Center Drive
West Elevation 2



4090 Lafayette Center Drive
Northeast Corner Elevation



4090 Lafayette Center Drive
North Elevation 2



RECEIVED
Department of Planning & Zoning
OCT 02 2012
Zoning Evaluation Division

4090 Lafayette Center Drive
North Elevation 3



4090 Lafayette Center Drive
South Elevation 1

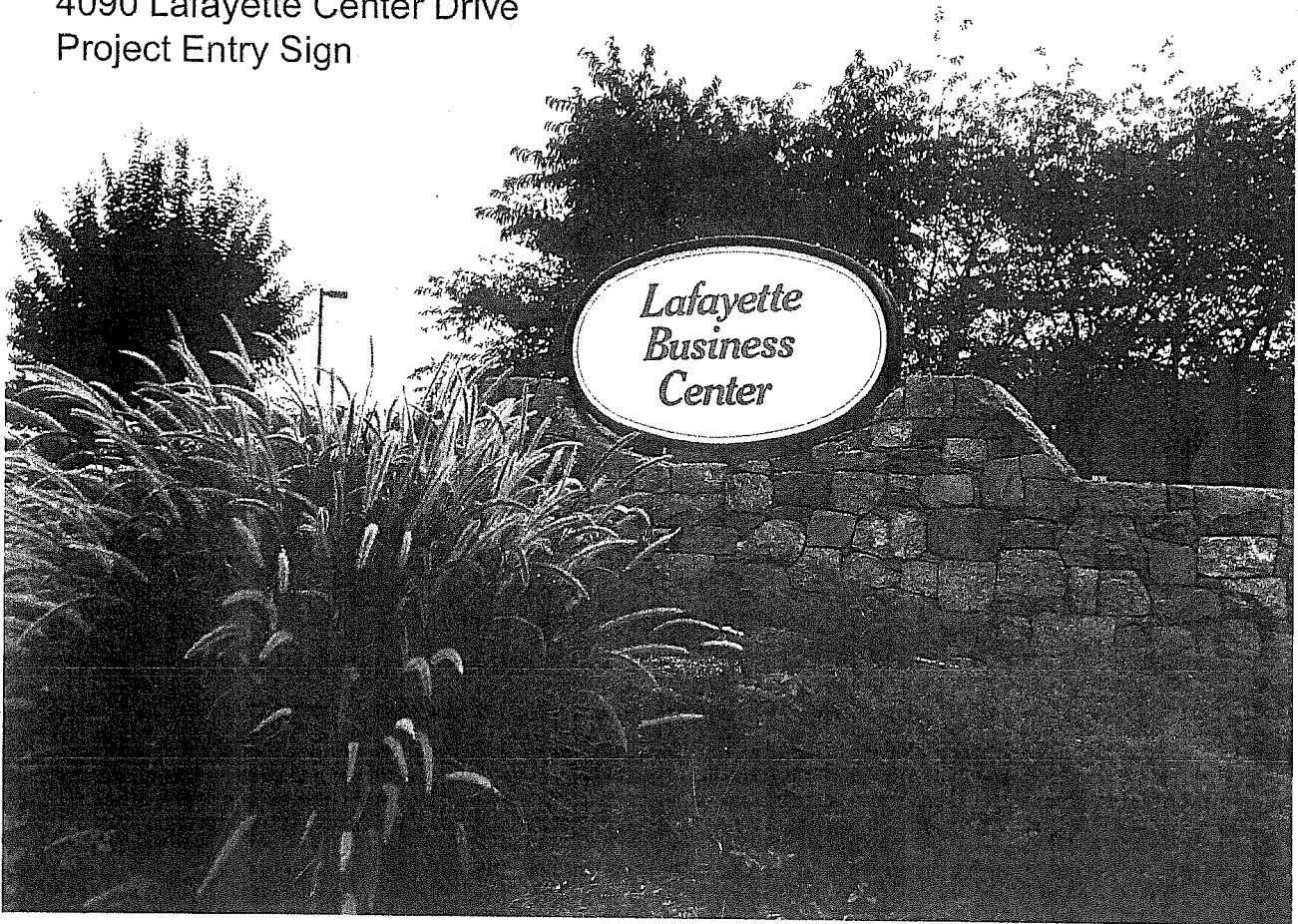
RECEIVED
Department of Planning & Zoning

OCT 02 2012

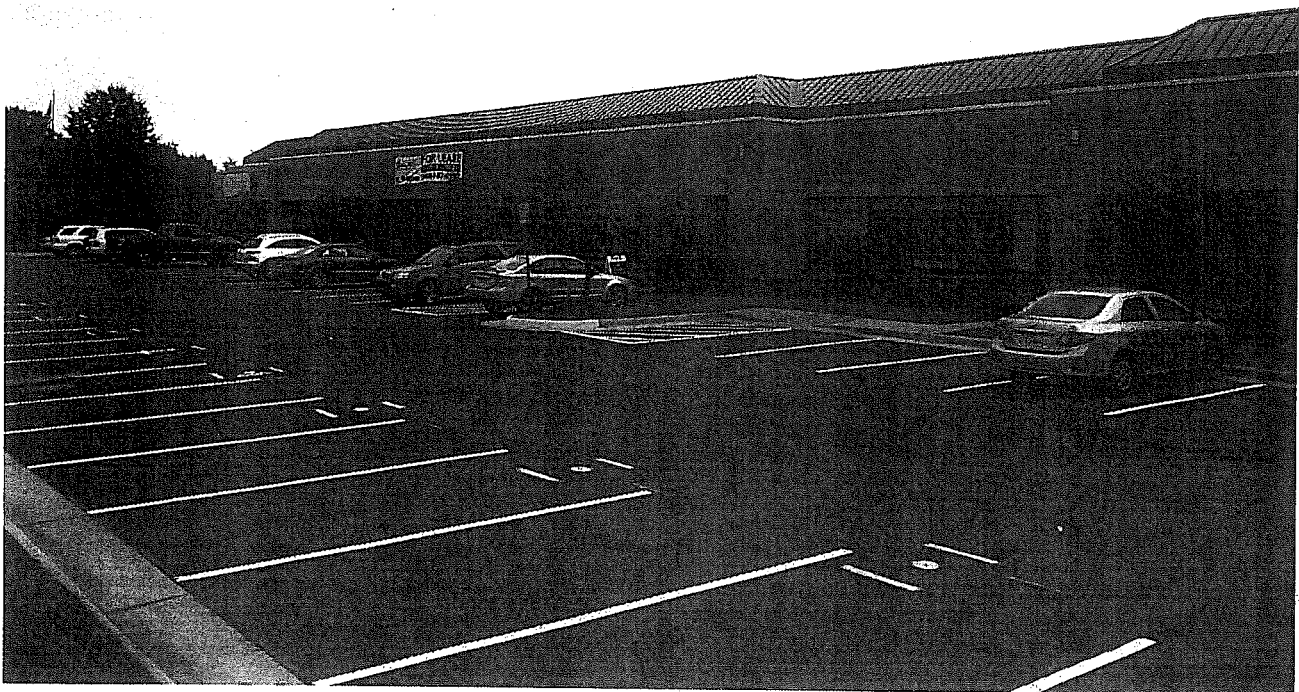
Zoning Evaluation Division



4090 Lafayette Center Drive
Project Entry Sign



4090 Lafayette Center Drive
North Elevation 1



DESCRIPTION OF THE APPLICATION

Special Permit Request: To approve SP 2012-SU-080 for commercial recreation within an existing building for Kreative Minds, LLC T/A Kid Junction. A detailed description of the application is included on page two.

LOCATION AND CHARACTER OF THE AREA

Existing Site Description: The subject parcel, split-zoned I-3 and I-4, is located within Lafayette Business Center at 4090 Lafayette Center Drive, south of Lee Jackson Memorial Highway (50) and east of Pleasant Valley Road. The 5.11 acre site is currently developed with a mixed use building containing office and Montessori school tenants. The site is surrounded by office and industrial uses to the south and west. Open space and Resource Protection Area (RPA) and flood plain are located to the north and east.

The lot is served by an existing access off Pleasant Valley Road. The site contains a total of 187 parking stalls.

All site improvements have been made per an approved site plan, including landscaping, stormwater, utilities and road improvements. Pleasant Valley Road is improved with multiple turn lanes and a lighted intersection.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Open Space	I-5	Open Space
South	Mixed Use	I-3, I-4	Mixed Use
East	Open Space	I-3, I-4	Open Space
West	Mixed Use	I-4	Mixed Use

BACKGROUND

The building was constructed in 2000.

Records indicate there have been no similar applications in the near vicinity.

COMPREHENSIVE PLAN PROVISIONS (Appendix 4)

Plan Area: Bull Run; Area III
Planning Sector: BR2 Upper Cub Run
Plan Map: Mixed Uses

ANALYSIS**Special Permit Plat (Copy at front of staff report)**

Title of SP Plat: Kid Junction, Special Permit Plat
Prepared By: Arch Group
Dated: September 30, 2012, revised through February 1, 2013

Special Permit Plat and Proposed Use:

The applicant proposes to establish a new 9,313 square foot children's indoor recreational entertainment use within an existing 50,287 square foot mixed use building in an existing business center. The lot containing the building and its associated parking is 5.11 acres in size. Other uses on the site include a child care center and offices. The proposed commercial recreation use would include; party rooms, toddler play area, parent seating, arcade including rides, interactive play areas, giant slides tubes, bridges and obstacles, play grocery store, pretend pizzeria, karaoke, make-believe post office, arts and crafts and costume shop for children between the ages of one and nine years of age. Food is proposed to be served which would be brought in by a private caterer.

The applicant proposes a maximum of seven employees on site at any one time, and a maximum occupancy of 162 patrons.

Hours of operation are proposed to be 10:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 8:00 p.m. on Sundays.

A surface parking lot provides 187 total parking stalls, 61 of which are dedicated to the proposed use, leaving an excess of seven stalls based on the current uses within the business center.

No new exterior construction is proposed.

Transportation Analysis

A Transportation Impact Analysis was not required for this use based on its limited size. Based on the number of employees and maximum occupancy, the use is required to provide 61 parking stalls which are being provided.

ZONING ORDINANCE PROVISIONS

The lot is split-zoned between I-3 and I-4 zoning districts. In cases where a lot has split-zoning, the more restrictive height and bulk regulations apply, however each district must meet its own FAR requirement. The site plan demonstrates the bulk regulations are being satisfied. A proffer interpretation indicates that the maximum FAR of the district is 0.50 which is being met by this application. A summary of the minimum regulations and application provisions is below.

Bulk Regulations I-3 District	Required	Provided
Lot Size	40,000 square feet	5.11 acres total; 2.24 acres (I-3); 2.87 acres (I-4)
FAR	0.50*	0.11 (I-3) 0.13 (I-4)
Parking	180 stalls	187 stalls
Front Yard Setback (Lee Jackson Memorial Highway)	40 feet or 45 degree ABP	94 feet
Front Yard Setback (Pleasant Valley Road)	40 feet or 45 degree ABP	90 feet
Side Yard Setback	45 degree ABP	47.2 feet
Rear Yard Setback	45 degree ABP	239 feet
Height	75 feet	16 feet

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Standards for All Group 5 Uses (Sect. 8-503)

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions as discussed previously in the report with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

RECOMMENDATIONS

Staff recommends approval of SP 2012-SU-080 subject to the Proposed Development Conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**February 6, 2013****SP 2012-SU-080**

If it is the intent of the Board of Zoning Appeals to approve SP 2012-SU-080 located at Tax Map 33-2 ((04)) 1A, Suite E, for a commercial recreation use pursuant to Sect. 5-303 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Kreative Minds, LLC T/A Kid Junction, only and is not transferable without further action of this Board, and is for the location indicated on the application, at 4090 Lafayette Center Drive, Suite E, Chantilly, 20151, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Arch Group, dated September 30, 2012, revised through February 1, 2013, approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum occupancy is limited to 162 customers and seven employees on-site at any one time.
5. Parking shall be provided in accordance with Article 11 of the Fairfax County Zoning Ordinance. If required by DPWES, a parking tabulation shall be submitted to and approved by the Director which shows that the required parking for all uses can be provided for on Lot 1A as shown on the special permit plat. All parking for this use shall be on site.
6. The maximum gross floor area of the commercial recreation shall be 9,313 square feet, as shown on the special permit plat.
7. The floor plan shall be constructed in substantial conformance as shown in the special permit plat.

This approval, contingent on the above-noted conditions, shall not relieve the Applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outline above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): SP 2012-80-080
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 21, 2013
 (enter date affidavit is notarized)

I, Mark D. Mittereder, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

118139

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Don L. Wooden	10 N Pendleton Street, Middleburg, VA 20118	Real Estate Broker / Agent
Mark D. Mittereder	12198 Henderson Road, Clifton, VA 20124	Agent / Architect
Leonard H. Brown	1348 Lancia Drive, McLean, VA 22102	Real Estate Broker
Kreative Minds, LLC t/a Kid Junction	✓ 2556 Fox Hound Court, Herndon, VA 20171	Applicant/Lessee
Meladon Management Partners, LLC	✓ 10 N Pendleton Street, Middleburg, VA 20118	Real Estate Broker / Property Manager
PanPac V, LLC	10 N Pendleton Street, Middleburg, VA 20118	Title Owner / Lessor
Meridian Property, Inc.	✓ 1348 Lancia Drive, McLean, VA 22102	Real Estate Broker
ArchGroup, Inc.	✓ 12198 Henderson Road, Clifton, VA 20124	Agent for Applicant / Architect

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SP2012-SU-080
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 22, 2013
(enter date affidavit is notarized)

118139

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Kreative Minds, LLC t/a Kid Junction
2556 Fox Hound Court
Herndon, VA 20171

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Alpa R Sachde
Mausam K Popat
Srikanth Duddala

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2012-SU-080
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 4

Special Permit/Variance Attachment to Par. 1(b)

DATE: January 24, 2013
(enter date affidavit is notarized)

118139

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

PanPac V, LLC
10 N. Pendleton Street
Middleburg, VA 20118

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

PanPac Investment Group, LLC ✓

ERDOS Partnership 1, LLC ✓

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

PanPac Investment Group, LLC
19139 Commonwealth Terrace
Leesburg, VA 20176

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Zhao Guoming

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): SP 2012-SU-080
(county-assigned application number(s), to be entered by County Staff)

Page 2 of 4

Special Permit/Variance Attachment to Par. 1(b)

DATE: January 21, 2013
(enter date affidavit is notarized)

118139

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Meridian Property, Inc.
1348 Lancia Drive
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Leonard H. Brown

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

ArchGroup, Inc.
12198 Henderson Road
Clifton, VA 20124

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Mark D. Mittereder

Jean H. Pyon

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): SP 2012-SU-680
(county-assigned application number(s), to be entered by County Staff)

Page 3 of 4

Special Permit/Variance Attachment to Par. 1(b)

DATE: January 21, 2013
(enter date affidavit is notarized)

118139

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

ERDOS Partnership 1, LLC
10 North Pendleton Street
Middleburg, VA 20118

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Meladon Management Partners, LLC

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Meladon Management Partners, LLC
10 North Pendleton Street
Middleburg, VA 20118

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

OceanDeep Enterprises, LLC

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): SP 2012-SU-080
(county-assigned application number(s), to be entered by County Staff)

Page 4 of 4

Special Permit/Variance Attachment to Par. 1(b)

DATE: January 21, 2013
(enter date affidavit is notarized)

118 139

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

OceanDeep Enterprises, LLC
10 N. Pendleton Street
Middleburg, VA 20118

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Melinda L. Wooden
Don L. Wooden

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s):

SP 2012-SU-080
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 22, 2013
(enter date affidavit is notarized)

118139

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2012-SU-080
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 21, 2013
(enter date affidavit is notarized)

118139

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b); and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No(s): SP 2012-84-080
(county-assigned application number(s), to be entered by County Staff)

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SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: January 21, 2013
(enter date affidavit is notarized)

118139

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Mark D. Mittereder
☐ Applicant ☒ Applicant's Authorized Agent

Mark D. Mittereder

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22 day of January, 20 13, in the State/Comm. of Virginia, County/City of Fairfax

Konstantin Adolfovich Tyurin
Notary Public

My commission expires: 01/31/2013



OFFICIAL SEAL
NOTARY PUBLIC-COMMONWEALTH OF VIRGINIA
KONSTANTIN ADOLFOVICH TYURIN
COUNTY OF FAIRFAX
ID# 7245312
My Commission Expires
January 31, 2013

RECEIVED
Department of Planning & Zoning

OCT 02 2012

Zoning Evaluation Division

Kreative Minds, LLC T/A Kid Junction**Special Permit Application****4090 Lafayette Center Drive Suite E**

October 1, 2012

Special Permit Statement of Justification:

1) Description of the Proposed Use: Kreative Minds, LLC T/A Kid Junction offers children's indoor recreational entertainment, customized children's parties, general admission open play for children from 1 to 9 years of age, family memberships, and programs for children in association with schools and other organizations. Facilities are designed to create a warm and inviting atmosphere for children to learn, develop skills, and play. Access entering and exiting the facility is carefully controlled and monitored.

Party rooms, a fully-enclosed toddler play area, parent seating, a children's arcade including coin-operated ride-ons, interactive play areas, including giant slides, tubes, bridges and obstacles. Kid Junction "Town" will include a play grocery store, pretend Pizzeria, Karaoke, make-believe Post Office, arts and crafts, and costume shop for children's play, imagination, and interaction.

Kid Junction will offer a peanut-free café, featuring pizza, lunches, beverages, and snacks, and a complete listing of all ingredients in all food items served. A warm-up Kitchen only is proposed to heat pizza. No cooking, grilling or frying will be done in the kitchen and no exhaust hood is proposed.

2) Hours of Operation:**MONDAY - THURSDAY**..... 10 am - 9 pm**FRIDAY & SATURDAY**..... 10 am - 9 pm**SUNDAY**.....10 am - 8 pm**3) Estimate number of patrons:** 162 patrons.

4) Proposed no of employees: Kid Junction is planning to hire 2 full time managers and part time employees as required for facility operation. It is estimated that 5 employees will be on site during operation.

5) Expected traffic impact, including the maximum expected trip generation and distribution of trips per day: The proposed use is expected to generate a maximum of 75 vehicle trips per hour, and 250 vehicle trips per day maximum. Based on our analysis, within 0-20 mile radius, the facility will have 30,339 visitors per year. This results in, on average, approximately 83 paying visitors per day. Patrons generally stay between 2 - 4 hours at the facility. Approximately 60% of these visitors are repeat customers. The traffic impact will be minimal as the visitors will be spread out over the course of the day,

many of the paying customers will come with another paying customer (siblings/friends) which will reduce the actual number of cars. Furthermore the peak hours of use will be on Saturday and Sundays between the hours of 12:00 PM and 4:00 PM.

6) General vicinity or area served by the use: The majority of the clients are expected within a 20 miles of radius of the facility.

7) Description of the Building Façade and Architecture: Kid Junction will be a tenant in an existing building. As such, no exterior site or building construction is anticipated except for an exterior glass entrance door, in place of a window, to the building. This 2nd door will allow controlled, and separate, entrance and exit from the facility.

8) Signs: An illuminated, Kid Junction sign is proposed to be installed on the brick panel above the windows, similar to other tenant signs on the building. Proposed sign will be in conformance with County of Fairfax sign regulations and permits.

9) Hazardous Substances: No hazardous substances are proposed to be used, stored, or generated by the proposed use.

10) Statement of Conformance: In consideration that this special permit application is for an indoor tenant space, and that no site work, utilities, landscaping, or new building construction is proposed, the applicant requests a waiver of the special permit application requirement to indicate on the "Special Permit Plat" items such as topography, site utilities, easements, utility easements, landscaping, storm water management, and other items normally shown on a "Site Plan". Instead of being shown on the Special Permit Plat, the following drawings will be included for reference in the application:

a. Site Plan As-Built drawings Sheet No. 2 of 6, and 3 of 6, prepared by Burgess & Niple dated 2-14-2001.

b. Site Landscape Plan prepared by Rinker-Detwiler & Associates, P.C. dated 10-05-00.

The proposed Commercial Recreation use meets all applicable ordinances, regulations, and applicable conditions required for Special Permit approval by the County of Fairfax. The use is in harmony with the adopted comprehensive plan, and general purpose and intent of the I-4 and I-3 zoning districts. The use not adjacent to any residential neighborhood, and will not adversely affect the use or development of the adjoining properties.

End of Statement of Justification

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-503 Standards for all Group 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 5 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
3. No building designed primarily and specifically for such use shall be located within 100 feet of any adjoining property which is in an R district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.